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MOHD HAROON

v.

UNION OF INDIA

B

(2014) 5 SUPREME COURT CASES 705
P SATHASIVAM CJ
RANJANA P DESAI J
RANJAN GOGOI J
[WRIT PETITIONS (CRL) NO. 155 OF 2013
C WITH NOS. 158, 165, 170-71, 179, 181, 196 OF 2013,
TRANSFERRED CASES (C) NOS. 123-25 OF 2013,
TRANSFER PETITIONS (C) NOS. 1750, 1825-30 OF
2013 & SLP (C) NO. 35402 OF 2013]
21 NOVEMBER 2013

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CONSTITUTIONAL LAW: *Constitution of India - Arts. 14, 15, 21, 32 and 136 - Discrimination in rehabilitation of communal riot victims on ground of religion - Rehabilitation should be of all affected persons and not community based - Muzaffarnagar Riots, 2013 - Direction issued for*

E *rehabilitation by State Government of particular community (Muslim families) alone, found unacceptable - State agreed to recall such communication and to reissue directions taking care of all affected persons in the riots - Human and Civil Rights - Displaced Persons and Refugees - Conflict/Violence/Communal riots/violence*

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CONSTITUTIONAL LAW: *Human and Civil Rights - Displaced Persons and Refugees - Conflict/Violence/Communal riots/violence - Muzaffarnagar Riots, 2013 - Arrangement of relief camps by State Government - Care of affected persons living in those camps - Considering*

G *the cold climatic conditions, State Government directed to provide necessary assistance/materials to all affected persons residing in the camps*

JUDGMENT

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Order

[1] Writ Petition (Crl.) No. 206 of 2013, is taken on board. Issue notice. Mr Ravi Prakash Mehrotra, learned Advocate, accepts notice on behalf of Respondents 1, 3 and 4.

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[2] In respect of other matters heard all the counsel. A

[3] The State of U.P. has so far filed nine reports with reference to the incident highlighted the steps taken and the follow-up action.

[4] During the course of the hearing, it was brought to our notice Proceeding No. 118/Six-P.C.V.C.-13-15(20) 2013 dated 26-10-2013, which was issued by Mr D.S. Sharma, Secretary, Government of Uttar Pradesh, to the Commissioner, Saharanpur Commissionery, Saharanpur. The learned counsel appearing for the petitioners pointed out that the direction issued for rehabilitation of a particular community (Muslim families) alone are unacceptable. When this was pointed out to Dr Rajeev Dhavan, learned Senior Counsel appearing for the State of U.P., he readily agreed for recalling the said communication and also made a statement that the authority concerned will reissue proper proceedings taking care of all the affected persons involved in the incident. The above statement is hereby recorded. B C D

[5] It is also brought to our notice that even on the date of filing of Eighth Report on 18-11-2013, 5024 persons are still residing in the camps arranged by the State. Though, the learned Senior Counsel for the State has pointed out that as on date the number of persons in the camps are likely to be lesser, taking note of the fact that sizeable number of persons are still in the camps and considering the climatic conditions during winter months, we direct the State Government to provide necessary assistance/ materials to all the affected persons residing in these camps. E F

[6] The State of U.P. is directed to file its response in Writ Petitions (Crl.) Nos. 179, 171, 181, 196 and 206 of 2013, SLP (C) No. 35402 of 2013, as well as in Crl. MP No. … filed in WPs (Crl.) Nos. 171 and 179 of 2013, positively on the next date of hearing. G

[7] With regard to the compensation for tractors, sugarcane crops, tubewells and other agricultural products, the learned Senior Counsel for the State, has readily agreed that if proper application/representation is made to the District Magistrate of the district concerned, the same shall be considered. H

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A **[8]** The affidavit filed by the Union of India dated 21-11-2013, is taken on record. List these matters on 12-12-2013, at 2pm. In the meantime, the petitioners are directed to take effective steps to serve the unserved respondents in all the matters.

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